DOCUMENT RESUME

ED 377 071 SE 055 460

TITLE	H.R. 3254-The National Science Foundation Authorization Act. Markup before the Committee on Science, Space, and Technology. U.S. House of Representatives, One Hundred Third Congress, Second Session.
INSTITUTION	Congress of the U.S., Washington, DC. House Committee on Science, Space and Technology.
REPORT NO	ISBN-0-16-044460-8
PUB DATE	23 Mar 94
NOTE	86p.; Title page varies slightly.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402-9328 (Stock No. 79-967 CC).
PUB TYPE	Legal/Legislative/Regulatory Materials (090) -- Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Federal Legislation; Financial Policy; *Science Education; Secondary Education
IDENTIFIERS	Congress 103rd; *National Science Foundation; Reauthorization Legislation

ABSTRACT

This document is a bill (H.R. 3254) written by the Committee on Science, Space, and Technology of the U.S. House of Representatives to authorize appropriations for the National Science Foundation. It contains the following sections: (1) National Science Foundation Authorization; (2) General Provisions; (3) Academic Research Facilities Modernization; and (4) International Scientific Cooperation. (ZWH)

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H.R. 3254—THE NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

ED 377 071

MARKUP

BEFORE THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

MARCH 23, 1994

[No. 109]

Printed for the use of the
Committee on Science, Space, and Technology

SE 035460

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79-967 CC WASHINGTON : 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-044460-8

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79-967 O - 94 - 1

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FULL COMMITTEE MARKUP—H.R. 3254, THE NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

WEDNESDAY, MARCH 23, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The committee met, pursuant to notice, at 10:06 a.m., in Room 2318, Rayburn House Office Building, Hon. George E. Brown, Jr. [chairman of the committee] presiding.

The CHAIRMAN. The Committee on Science, Space, and Technology will come to order.

The Chair calls up for consideration H.R. 3254, The National Science Foundation Authorization Act.

[The information follows:]

I

103D CONGRESS
1ST SESSION

H. R. 3254

To authorize appropriations for the National Science Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1993

Mr. BOUCHER (for himself and Mr. BROWN of California) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

---

A BILL

To authorize appropriations for the National Science Foundation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "debt-for-science exchange" means an agreement whereby a portion of a nation's commercial external debt burden is exchanged by the

holder for a contribution of local currencies or other assets to support scientific and technological research;

(2) the term "Director" means the Director of the Foundation;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(5) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States;

(6) the term "science-technology center" has the meaning given such term in section 231(f) of the Excellence in Mathematics, Science, and Engineering Education Act of 1990, and shall include both newly organized and established science-technology centers; and

(7) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American

Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDING.—Congress finds that the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level.

(b) FISCAL YEAR 1994.—(1) There are authorized to be appropriated to the Foundation $3,180,200,000 for fiscal year 1994, which shall be available for the following categories:

(A) Research and Related Activities, $2,009,800,000, which shall be available for the following subcategories:

(i) Mathematical and Physical Sciences, $653,000,000.

(ii) Engineering, $289,000,000, of which $2,000,000 shall be expended for primary materials processing research.

(iii) Biological Sciences, $285,000,000.

(iv) Geosciences, $423,000,000.

(v) Computer and Information Science and Engineering, $261,800,000.

(vi) Social, Behavioral, and Economic Sciences, $98,000,000.

(B) Education and Human Resources Activities, $556,100,000.

(C) United States Polar Research Programs, $163,100,000.

(D) United States Antarctic Logistical Activities, $65,100,000.

(E) Academic Research Facilities Modernization, $250,000,000.

(F) Critical Technologies Institute, $1,000,000.

(G) Salaries and Expenses, $125,800,000.

(H) Office of Inspector General, $4,100,000.

(I) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) through (C)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992;

(B) $15,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $16,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $8,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(c) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $150,000,000 for fiscal year 1995, which shall be available only for activities authorized by the Academic Research Facilities Modernization Act of 1988.

(2) Only if the full amount authorized under paragraph (1) is appropriated, or if a single appropriations bill proposes to appropriate the full amount authorized under paragraph (1) and amounts authorized under this paragraph, there are authorized to be appropriated to the Foundation for fiscal year 1995 additional funds to be available for the following categories:

(A) Research and Related Activities, $2,618,900,000, which shall be available for the following subcategories:

(i) Mathematical and Physical Sciences, $826,000,000.

(ii) Engineering, $400,000,000, of which $2,500,000 shall be expended for primary materials processing research.

(iii) Biological Sciences, $362,000,000.

(iv) Geosciences, $516,000,000.

(v) Computer and Information Science and Engineering, $386,900,000.

(vi) Social, Behavioral, and Economic Sciences, $128,000,000.

(B) Education and Human Resources Activities, $556,100,000.

(C) United States Polar Research Programs, $180,000,000.

(D) United States Antarctic Logistical Activities, $67,000,000.

(E) Academic Research Facilities Modernization, $100,000,000, in addition to amounts authorized under paragraph (1).

(F) Critical Technologies Institute, $1,000,000.

(G) Salaries and Expenses, $127,500,000.

(H) Office of Inspector General, $4,200,000.

(I) Headquarters Relocation, $5,200,000.

(3) Of the amounts authorized under paragraph (2) (A) through (C)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992;

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(d) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $200,000,000 for fiscal year 1996, which shall be available only for activities authorized by the Academic Research Facilities Modernization Act of 1988.

(2) Only if the full amount authorized under paragraph (1) is appropriated, or if a single appropriations bill proposes to appropriate the full amount authorized under paragraph (1) and amounts authorized under this paragraph, there are authorized to be appropriated to the Foundation for fiscal year 1996 additional funds to be available for the following categories:

(A) Research and Related Activities, $2,877,200,000, which shall be available for the following subcategories:

(i) Mathematical and Physical Sciences, $892,000,000.

(ii) Engineering, $456,000,000, of which $3,000,000 shall be expended for primary materials processing research.

(iii) Biological Sciences, $389,200,000.

(iv) Geosciences, $549,000,000.

(v) Computer and Information Science and Engineering, $448,000,000.

(vi) Social, Behavioral, and Economic Sciences, $142,500,000.

(B) Education and Human Resources Activities, $572,800,000.

(C) United States Polar Research Programs, $205,000,000.

(D) United States Antarctic Logistical Activities, $68,000,000.

(E) Academic Research Facilities Modernization, $50,000,000, in addition to amounts authorized under paragraph (1).

(F) Critical Technologies Institute, $1,500,000.

(G) Salaries and Expenses, $132,000,000.

(H) Office of Inspector General, $4,300,000.

(I) Headquarters Relocation, $5,200,000.

(3) Of the amounts authorized under paragraph (2)(A) through (C)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(e) MEETING FUNDING GOALS.—In allocating funds authorized under subsections (b)(1)(A), (c)(2)(A), and (d)(2)(A), the Foundation shall give priority to meeting the funding goals established for the Foundation for Presidential research initiatives by the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101(b)(1)(A), (c)(2)(A), or (d)(2)(A) is less than the amount authorized under that subparagraph, the amount authorized for each subcategory under that subparagraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 104. TRANSFER OF FUNDS.

For any given fiscal year, the Director may propose transfers to or from any category described in section 101 up to a maximum of 5 percent of the amount authorized for that category. An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only after

30 calendar days have passed after transmission of such written explanation.

TITLE II—GENERAL PROVISIONS

SEC. 201. ANNUAL REPORT.

Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

"(1) contain a strategic plan which—

"(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

"(B) describes how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(2) identify the criteria and describe the procedures which the Foundation will use to assess

progress toward achieving the goals identified in accordance with paragraph (1);

"(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multiagency research and education initiatives;

"(4) contain such recommendations as the Foundation considers appropriate; and

"(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.".

SEC. 202. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, at the time of the President's budget submission, a plan for construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles

by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1993.

SEC. 203. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: "The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear

project. The Director shall exclude from consideration for awards to be made under the Program after fiscal year 1995 any institutions or consortia which received funds, appropriated for a fiscal year after fiscal year 1994, for the repair, renovation, construction, or replacement of academic facilities, from any Federal funding source for projects that were not subjected to a competitive, merit-based award process.".

SEC. 204. ELIGIBILITY FOR PARTICIPATION IN INFORMAL SCIENCE EDUCATION ACTIVITIES.

No science-technology center shall be disqualified from competing for funding support under the informal science education programs included within the Education and Human Resources activities of the Foundation on the basis of the geographic location of the center, the size of the population served by the center, or the date on which the center commences operation.

SEC. 205. SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.

The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) by amending section 32 to read as follows:

"FINDINGS AND POLICY

"SEC. 32. The national security and economic competitiveness of the United States demand the full development and use of the engineering, mathematical, and sci-

entific talents and skills of all its citizens. Past discrimination, cultural barriers, unequal educational opportunities, and other factors discourage women, minorities, persons with disabilities, and other groups from studying and working in engineering, mathematics, and science. The Congress declares it is the policy of the United States to encourage the participation in engineering, mathematics, and science of members of the groups that are underrepresented.";

(2) in section 33—

(A) by amending the section head to read as follows:

"EQUAL OPPORTUNITIES IN SCIENCE AND ENGINEERING";

(B) in paragraph (1)(A), by striking "women" and inserting in lieu thereof "women, minorities, persons with disabilities, and other underrepresented groups (collectively referred to in this section as 'members of underrepresented groups')";

(C) in paragraph (2), by striking "female students and to increase female student awareness" and inserting in lieu thereof "students who are members of underrepresented groups and to make those students aware";

(D) in paragraph (4), by striking "research";

(E) by amending paragraph (5) to read as follows:

"(5) support programs under which scientists and engineers who are members of underrepresented groups interact with elementary, secondary, and undergraduate students;";

(F) in paragraph (8), by striking ", to be known as the National Research Opportunity Grants, to women scientists" and inserting in lieu thereof "to scientists and engineers who are members of underrepresented groups";

(G) in paragraph (9), by striking "such women" and inserting in lieu thereof "such persons";

(H) by striking "and" at the end of paragraph (10);

(I) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and";

(J) by adding at the end the following:

"(12) support efforts to initiate and expand research opportunities at institutions serving members of underrepresented groups.

"(b) In carrying out activities under this section, the Foundation may conduct or support activities in which participation is limited to members of one or more underrepresented groups.";

(K) by inserting "(a)" after "SEC. 33."; and

(L) except as otherwise provided in this paragraph, by striking "women" each place it appears and inserting in lieu thereof "members of underrepresented groups";

(3) by striking section 34;

(4) in section 36(a), by inserting ", persons with disabilities" after "minorities";

(5) in section 36(b), by striking the second sentence and inserting in lieu the following: "The Chairpersons of relevant committees or subcommittees of the National Science Board, as designated by the Chairperson of the Board, shall be ex officio members of the Committee.";

(6) in section 36 by striking subsections (c) and (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(7) in section 36 by inserting after subsection (b) the following new subsection:

"(e) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities for, and advancement in education, training, and research in science and engineering of members of underrepresented groups."; and

(8) in section 36(d), as redesignated by paragraph (6) of this section, by striking "additional".

SEC. 206. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 is amended—

(1) in section 4(e) (42 U.S.C. 1863(e)) by striking the second and third sentences and inserting in lieu thereof the following: "The Board shall adopt procedures governing the conduct of its meetings, including definition of a quorum and delivery of notice of meetings to members of the Board.";

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on

Science, Space, and Technology of the House of Representatives.";

(3) in section 14 (42 U.S.C. 1873) by striking subsection (j); and

(4) in section 15(a) (42 U.S.C. 1874(a)) by striking "Atomic Energy Commission" and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1977 AMENDMENT.—Section 8 of the National Science Foundation Act, 1977, is repealed.

TITLE III—ACADEMIC RESEARCH FACILITIES MODERNIZATION

SEC. 301. FINDINGS.

The Congress finds that—

(1) the deficiencies in the condition of buildings and equipment used for the conduct of fundamental

research and related education programs at many universities and colleges which are cited in section 202 of the Academic Research Facilities Modernization Act of 1988 are substantially unchanged;

(2) a national effort, involving the participation of Federal and State governments and the private sector, is required to make progress in improving the state of academic research facilities; and

(3) because of the scale of the problem, the Federal effort to upgrade academic research facilities must involve a coordinated program among all Federal agencies which sponsor research at academic institutions.

SEC. 302. FACILITIES MODERNIZATION PLAN.

The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities, shall develop a plan for a multiagency Federal program to provide financial support to institutions of higher education for the repair, renovation, or replacement of obsolete science and engineering facilities primarily devoted to research. The plan shall—

(1) include participation by all Federal departments and agencies which provide substantial Fed-

eral support for research and development activities at institutions of higher education;

(2) provide estimates of the level of funding required, by department and agency, and period for which funding should be provided to relieve substantially the backlog of research facilities needs and to ensure that, at the conclusion of the period proposed, the facilities available will be satisfactory to support national research needs;

(3) take into consideration, for determining the requirements of paragraph (2), ongoing efforts by Federal departments and agencies, State governments, and the private sector to upgrade research facilities;

(4) be designed to address the needs of the categories of institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988;

(5) detail administrative procedures and guidelines for the implementation of the modernization program; and

(6) state procedures and data collection steps which have been implemented to assess the state of academic research facilities and to measure the rate

of progress in improving the condition of the facilities.

Within 18 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress the plan developed under this section.

SEC. 303. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

No funds appropriated to the Foundation for construction of new facilities or construction necessary for upgrading the capabilities of existing facilities at institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988 shall be obligated unless the funds are awarded in accordance with the requirements of the Academic Research Facilities Modernization Act of 1988 or are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act.

TITLE IV—INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Debt-for-science exchanges can provide an innovative means to enhance scientific cooperation with countries whose external debt burden prevents

them from allocating sufficient resources to their scientific and technological infrastructures.

(2) Debt-for-science exchanges have been demonstrated to improve the state of scientific research and education in several countries, including Bolivia, Costa Rica, Ecuador, Chile, and Mexico.

SEC. 402. DEBT-FOR-SCIENCE EXCHANGES.

(a) DEBT-FOR-SCIENCE EXCHANGE GRANTS.—The Director is authorized to make grants to organizations within the United States, including colleges and universities, for the purpose of debt-for-science exchanges. Before making any grant under this section, the Director shall ascertain that—

(1) funds resulting from the debt-for-science exchange will be expended only for purposes of international cooperative scientific research and development projects;

(2) the debt-for-science exchange will make funds available for such projects which otherwise would not be available;

(3) the amount of local currency provided as a result of the debt-for-science exchange will be substantially greater than the United States dollar purchase price of the debt;

(4) the grantee certifies that the debtor government has accepted the terms of the exchange and that an agreement has been reached to cancel the commercial debt; and

(5) Federal grants made under this section will be equally matched by non-Federal contributions to purchase debt.

(b) INVESTMENT OF GOVERNMENT ASSISTANCE.—Grantees or subgrantees of funds provided under this section may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-science exchange pending disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(c) COORDINATION.—In carrying out subsection (a) the Director shall coordinate with Federal agencies, such as the Agency for International Development, that have expertise in debt exchanges.

SEC. 403. NATIONAL SCIENCE FOUNDATION PARTICIPATION IN BINATIONAL AND MULTINATIONAL ENDOWED SCIENCE FOUNDATIONS.

The Director, in consultation with appropriate officials of the United States and foreign countries, may en-

courage and facilitate the establishment of binational and multinational endowed science foundations, and may participate in the operation and governance of such foundations, including serving as a member of or designating members to the Boards of Governors, if such foundations—

(1) have Boards of Governors whose members are chosen to represent participating countries and possess expertise in international scientific cooperation;

(2) have a structure and operational characteristics determined exclusively by their Boards of Governors, consistent with paragraph (3); and

(3) are established and governed in accordance with charters which include provisions—

(A) to ensure that the funding of the endowment is shared equitably among the participating nations, appropriate to their economic resources;

(B) to protect the endowment's principal from loss of value due to inflation;

(C) to define the range of scientific and educational activities to be funded;

(D) to define criteria for application, merit review, and awarding of funds which encom-

pass, at a minimum, consideration of scientific merit, strength of collaborative arrangements, and potential benefit to participants;

(E) to limit administrative costs to those that are prudent and necessary; and

(F) to engage an independent auditor to perform an annual organization-wide audit of such foundations, in accordance with generally accepted auditing standards, and to make the results of the audit immediately available to the Director and the Board of Governors.

SEC. 404. REPORT.

Within one year after the date of enactment of this Act, the Director shall submit to the Congress a strategic plan for international scientific cooperation activities undertaken by the Foundation which—

(1) describes and evaluates all activities involving international scientific cooperation currently carried out by the Foundation;

(2) describes how these activities relate to ongoing and prospective Foundation research and educational activities;

(3) details research activities and geographic areas where international scientific cooperation has

been most effective and where it has been least effective;

(4) describes plans for future cooperative international scientific projects; and

(5) assesses the research activities and geographic areas where future international scientific cooperation would be most effective.

○

The CHAIRMAN. The original bill and the necessary supporting documentation are before the members.

The bill signals the intention of the committee to maintain the core research and education programs of the Foundation while providing sufficient growth to allow NSF's participation in major interagency research initiatives and to address the serious shortfall and support for refurbishment of university research facilities.

I'm particularly pleased that the bill restricts participation in the NSF academic research facilities modernization program by universities which accept appropriations earmarked for facilities. To make this prohibition more effective, the bill also provides significant growth for the NSF's facilities program in line with the committee's long-term goal to fund the program at $250 million a year.

The Chair asks unanimous consent to put the remainder of his statement in the record and would just like to offer a very brief comment that the NSF several years ago was put on a projectory to double its funding within a five-year period. It did not make that target, but it did succeed in making it after seven or eight years.

The agency is one of the most respected in government, and I think that respect is justified. In this bill we are seeking to do something which we've been trying to do for several years, and that's to give the NSF the funds to provide support for improving the research facilities and instrumentation at the Nation's universities. In other words, where we support the research program, we ought to make a contribution to supporting the facilities.

Now we authorized a modest amount of $250 million per year to do, which has never been fully funded. In fact, last year was the best year it ever had and it got up to $90 million, I think, or something like that. But what has been happening, of course, on the other side of the coin, is that the Appropriations Committees in their generosity earmark for specific institutions up to $700 million. In other words, they are shortcircuiting the process of peer review transfer improvements and putting them in earmarks on the appropriations bill.

For that reason, we want to continue to try and strengthen the authorized peer review program in NSF, and that is contained in this legislation. And I wanted to just provide that little extra background on it.

Now I recognize Mr. Boucher for any comments he may have and to congratulate him and the Ranking Republican for the fine work they've done on this bill.

Mr. BOUCHER. Thank you very—

The CHAIRMAN. No, I want to recognize Mr. Walker first, don't I? Proceed, Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman.

The National Science Foundation is one of the best examples of using taxpayer's money to provide the necessary collective investment in our future standard of living and quality of life. This pursuit of a fundamental understanding of scientific reality is the generic foundation for private sector commercial technological activity.

This investment will support more than 19,500 projects in basic research and education directly involving almost 150,000 students, teachers, scientists, mathematicians, and engineers. These activi-

ties contributed directly to strengthening the scientific and technical workforce and raising the scientific literacy of all Americans.

By supporting basic research based upon competition, merit, and peer review, NSF is able to maintain the health and vitality of the U.S. academic science and engineering enterprise.

Mr. Chairman, I applaud you for your courageous leadership in the Congress to stop the business of earmarking. I look forward to continuing to support you and support others in this campaign. I agree with you that one of the problems that we have is that moving around the peer review process at NSF we are damaging the core science in this country and we ought to do what we can to support the core NSF program and the core of scientific research supported by NSF, by doing what we can to fund it in the right way.

The CHAIRMAN. I thank Mr. Walker for that statement and, of course, for his long record of support for the NSF.

And I recognize Mr. Boucher for his comments.

Mr. BOUCHER. Thank you very much, Mr. Chairman.

This morning I'll be offering an amendment in the nature of a substitute for H.R. 3254. The amendment in the nature of a substitute is before the members. It provides funding authority for the National Science Foundation for the upcoming two Fiscal Years, Fiscal Year 1995 and Fiscal Year 1996. The authorization level for Fiscal Year 1995 has been reduced from the level that is contained in the bill as reported by the subcommittee, and our goal was to conform to the budget request of the Administration. The 1995 level as contained in the substitute is the Administration's request, and the 1996 funding level is a 6 percent increase over the 1995 level. That 6 percent increase is the same amount by which the Administration's 1995 budget request exceeded the 1994 appropriation level.

The Science Subcommittee has received testimony over a number of years concerning the serious deterioration and inadequate condition of the Nation's research infrastructure and on the adverse effects that that condition is having on the ability of universities to perform leading-edge research. By authorizing $150 million in Fiscal Year 1995 and $200 million in Fiscal Year 1996 for facilities modernization and construction, the substitute will assert the importance of NSF's merit-based facilities program and fund it at a level that will genuinely begin to address this unmet need.

The amendment also recognizes that the scale of the facilities shortfall, estimated nationwide to be approximately $10 billion, is too great to be met solely through the resources available to the NSF. We, therefore, insert a provision that requires the Office of Science and Technology Policy to develop a plan for a multi-agency facilities program to include estimates of funding by agency and the timeframe necessary in order to relieve substantially the backlog of substandard facilities.

The substitute seeks to encourage universities to rely more fully on the expanded facilities program by prohibiting the making of facilities grants by the NSF to any university that receives facilities earmarks in the future through the appropriations process.

And I share the chairman's enthusiasm for that particular provision, which should focus the attention of the university community

more directly on the NSF's peer-reviewed and merit-based process for providing for facilities monies.

The authorization levels for research activities in the substitute will allow the foundation to increase support for individual investigators and also to ensure that new research opportunities may be pursued which require interdisciplinary research efforts. Sufficient growth is allowed for the NSF to increase its participation in existing and planned interagency R&D initiatives of national importance, including global climate change research, high-performance computing and networking, advanced materials and processing, biotechnology, and advanced manufacturing.

In order to provide Congress with a clear statement of the agency's goals, the substitute requires the NSF to provide an annual report containing a three-year plan highlighting expected areas of program emphasis, including research initiatives under development and containing criteria and procedures for assessing progress toward those defined goals.

A separate, related requirement calls for the development and annual updating of a five-year plan for new construction of NSF national research facilities such as the telescopes that are owned and operated by the NSF and upgrades to those existing national facilities.

The substitute to H.R. 3254 provides the resources and defines the priorities that will allow the National Science Foundation to meet its responsibilities, to support basic research and education and science and engineering, and to strengthen the Nation's research potential.

I'm pleased to commend the substitute to the committee for its concurrence, and I yield back my time.

The CHAIRMAN. The Chair thanks the gentleman.

There are 11 minutes remaining. I recognize Mr. Boehlert for his opening statement.

Mr. BOEHLERT. Mr. Chairman, with the exception of some modest adjustments that I will propose in the dollar amounts and in the specific language—and those will be taken care of in amendments later—I agree with everything my subcommittee chairman has said. I'm an unabashed, enthusiastic cheer leader for the NSF and I think we should go forward.

The CHAIRMAN. The Chair thanks the gentleman very much.

I would just like to point out that each member has before them a list of the amendments. There are 10. It is the Chair's intention to support practically all of them except Mr. Boehlert's first amendment. And after that, I think it will move very quickly.

The Chair hopes to finish by 12 o'clock, and that will be immeasurably assisted if the members will return promptly after they have indicated that they approve the Journal, which is the vote before you. I'm going to remain here because, on principle, I do not like to vote on things that waste my time.

[Laughter.]

[Recess.]

The CHAIRMAN. The Chair would like to announce that the Journal was approved by a resounding 85-point margin.

[Laughter.]

The committee will resume its sitting and—is Mr. Boehlert back yet? Well, we'll just have to take up his amendment and defeat it.

While we're waiting for Mr. Boucher, noting the presence of a photographer, the Chair asks unanimous consent that he be given permission to take pictures. Hearing no objection, that will be the order. You're now legal.

[Laughter.]

The Chair recognizes Mr. Boehlert to present Amendment No. 1.

[The information follows:]

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 3, line 3 through page 6, line 22, amend subsections (b) and (c) to read as follows:

(b) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $3,150,000,000 for fiscal year 1995, which shall be available for the following categories:

(A) Research and Related Activities, $2,254,800,000, which shall be available for the following subcategories:

(i) Biological Sciences, $298,800,000.

(ii) Computer and Information Science and Engineering, $260,600,000.

(iii) Engineering, $311,500,000, of which $2,000,000 shall be expended for primary materials processing research.

(iv) Geosciences, $421,300,000.

(v) Mathematical and Physical Sciences, $636,300,000.

(vi) Social, Behavioral, and Economic Sciences, $104,800,000.

(vii) United States Polar Research Programs, $158,800,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $110,000,000.

(D) Major Research Equipment, $70,000,000.

(E) Salaries and Expenses, $120,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992;

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1995 for the Critical Technologies Institute.

(c) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $3,234,000,000 for fiscal year 1996, which shall be available for the following categories:

(A) Research and Related Activities, $2,299,800,000, which shall be available for the following subcategories:

(i) Biological Sciences, $304,100,000.

(ii) Computer and Information Science and Engineering, $273,600,000.

(iii) Engineering, $324,500,000, of which $2,500,000 shall be expended for primary materials processing research.

(iv) Geosciences, $426,200,000.

(v) Mathematical and Physical Sciences, $640,100,000.

(vi) Social, Behavioral, and Economic Sciences, $110,500,000.

(vii) United States Polar Research Programs, $158,200,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $150,000,000.

(D) Major Research Equipment, $67,000,000.

(E) Salaries and Expenses, $122,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1996 for the Critical Technologies Institute.

Mr. BOEHLERT. Mr. Chairman, I offer this amendment with reluctance, but also with great commitment. I offer it with reluctance because I've always been an avid supporter of NSF and I remain so, a proponent of doubling its budget, someone who has desired to give the agency everything it wants. But I bring this proposal forward with commitment, nonetheless, because that ability needs to be tempered by the hard facts of the real world.

Indeed, the debate over this amendment is not an argument between foes and friends of science or even between conservative and liberals, but rather one between realists and fabulists. To put it starkly, our amendment is science; the bill is science fiction.

The bill seems to have been crafted in some parallel universe in which the four dimensions of time and space have been joined by a fifth dimension: money. The authors of this bill have traveled to this universe and, through some space-time-money warp, have reemerged at today's markup 25 years younger, back in an era before scarcity, before huge deficits, before budget resolutions.

It is quite literally an enchanting fiction. I would buy the book; I just can't buy the policy. We have to pass authorization bills that reflect the same universe in which the rest of the Congress exists.

Our amendment does that without making any kind of Draconian cuts; indeed, without stopping the growth of NSF, despite the discretionary spending freeze.

The numbers in our amendment were not concocted out of thin air. They are those behind the House- passed Democrat budget resolution. The Fiscal Year 1996 number in our proposal is the President's own budget projection.

Our amendment still allows for greater than inflation growth in Fiscal Year 1995, growth in the facilities program, growth in the education programs, and it reflects the same relative priorities among research programs as does the bill. There are no fundamental policy differences between this amendment and the bill save one: we think our committee will have more influence if we admit that there's a deficit crisis.

The burden of proof ought to be on those who oppose this amendment, who oppose the House-passed budget recommendations, who oppose letting NSF grow within the confines of a realistic budget. I believe that's a burden that is too large to withstand. I urge my colleagues to support this amendment.

Mr. BOUCHER. Mr. Chairman?

The CHAIRMAN. The Chair would like to compliment the gentleman on his eloquent statement which is loaded with glamorous phrases. And would the Chair be right in assuming he faces a very tough election this year, too?

[Laughter.]

The Chair recognizes—

Mr. BOEHLERT. The Chair should know I don't have an opponent yet because I am responsible.

[Laughter.]

Mr. BOUCHER. Thank you very much, Mr. Chairman.

I rise in opposition to this amendment, and I do so with a certain measure of reluctance because I very much enjoy the partnership that I personally have with the gentleman from New York. We do a lot of constructive work together, and we've done that work on

this measure, as well as the science policy measures and other issues that have been before the subcommittee.

But I do have a fundamental difference with him on the appropriate level of authorization for the National Science Foundation for the upcoming two years. What we are seeking in the substitute amendment that the subcommittee is offering is the same increase that the President has requested in his budget submittal, and that is an increase of only 6 percent for the National Science Foundation for Fiscal Year 1995. That rate of increase, by the way, is relatively small compared to what previous Administrations, both the Reagan and Bush Administrations, have recommended in past years. Those Administrations have generally understood that the National Science Foundation has been underfunded, and I'm going to take just a minute to point out the levels of increase that those two Administrations, prior to the Clinton Administration, have recommended, as evidence of that fact.

In 1988, the Reagan Administration's request was for an increase of 16.5 percent. That same Administration in 1989 recommended an increase of 19 percent; in 1990, an increase of 14 percent. The Bush Administration for Fiscal Year 1991 recommended an increase of 14.4 percent; for 1992, 17.5 percent; for 1993, 17.6 percent; for 1994, 16.3 percent.

And then we come to the recommendation of the Clinton Administration for Fiscal Year 1995, and that is a recommended increase of only 6 percent. And so what is recommended by the administration, what is reflected in the authorization reported by our subcommittee and before this full committee at the moment is an increase this is far less than recommended by the prior Administrations going all the way back to 1988, underscoring the fact that the National Science Foundation's funding has been less than it should have been and the agency has been underfunded in recent years.

The reason that I argue that it's underfunded is because economics study show that investments in basic research and the investments of the National Science Foundation, in particular, generate a very significant rate of return, a rate of return in terms of wealth creation alone of 128 percent. So for every dollar invested in basic research, we derive in societal benefits $1.28 in wealth creation value. And, by the way, I would say to my friend from Pennsylvania that these are statistics taken from the economics department at the University of Pennsylvania.

Mr. Boehlert himself acknowledged these needs and did so during the course of our subcommittee's markup last fall. I would point out that Mr. Boehlert at that time offered a substitute amendment to the subcommittee's markup vehicle that recommended an increase for the National Science Foundation that would bring its total authorization to $3.286 billion for Fiscal Year 1995. The bill that I am recommending today actually recommends less than that. It recommends $2.3 billion for Fiscal Year 1995. So Mr. Boehlert's amendment—did I say 2?—$3.2 billion for Fiscal Year 1995. So Mr. Boehlert's amendment offered in subcommittee last year would have actually recommended more funding than we're recommending in our recommendation today. Now we're—Mr. Boehlert is only recommending $3.15 billion, considerably less than

he recommended in the fall or that we are recommending at the present time.

And I would suggest that the arguments that were made by the gentleman during the course of that subcommittee markup last fall are equally valid today, as to why a level of at least $3.2 billion should be sustained.

I suppose one could argue that what Mr. Boehlert is suggesting is that we only be consistent with the Budget Resolution as now passed by the full House. That resolution, however, does not contain individual line items for the individual agencies that are funded within the general science function. What, instead, we saw was some text or accompanying report language that just made a suggestion or a recommendation that there be $50 billion less provided for the National Science Foundation. Now all that is is a recommendation. All it is is a suggestion. It is not binding in any way on the authorizing committees or on the Appropriations Committees, even if that were contained in the final Concurrent Budget Resolution approved by both Houses of the Congress. It would not have binding effect and we should not view it as binding us in any way during the course of this debate.

I think, Mr. Chairman and members, what we have recommended for the NSF is an appropriate funding level that will enable it to sustain its mission, that will enable it to make the very sound investments in basic research, the benefits of which have been so well documented, and any reduction in funding at this point would hobble that effort and not enable to NSF to carry forward its very important work in terms of long-term basic research leading to wealth creation for this society.

So it is with a sense of reluctance that I oppose my good friend from New York, but I feel compelled to do so and I would hope the members of the committee would reject this amendment.

Thank you, Mr. Chairman, and I yield back my time.

The CHAIRMAN. The Chair thanks the gentleman.

The Chair would like to make a brief comment before recognizing Mr. Walker.

Obviously, an amendment which seeks to reduce any legislation by $50 million has a superficial attraction and will get votes because of that, but I should like to point out—and this is more or less for background understanding of the members—that there has been no difference of any substance in this committee as to the importance of increased funding for NSF, as long as I've been on it.

As Chairman Boucher has pointed out, for the last dozen years the prior Administration recommended much larger increases than we're recommending and actually set the target in 1988 of doubling the budget within five years, which was never met.

Now Mr. Boucher's correctly pointed out that the hook on which Mr. Boehlert's amendment is hung—namely, the language purported to be in the House-passed budget resolution—has no legal significance.

I would like to make one additional point. The President's budget has the figure—the President's request has what we—the figure we have in it. The budget that we pass may have a slightly different figure. Neither of these have any significance.

What is significant is the 602(b) allocation to the Subcommittee on VA, HUD, and Independent Agencies, which makes the final decision as to the amount of money. The reason that the budget for NSF did not double in accordance with President Reagan and President Bush's projection is because that subcommittee systematically reduced the requested level of funding for both NSF and NASA and put that money into increasing the budget request for the Veterans Administration and HUD while at the same time complaining that the science budgets were too big and robbing other worthwhile programs. Now that's going to happen again this year. It may play a slightly different way, but that's been the historical mode for some time and that's why the NSF budget didn't double, despite the repeated requests of three different Presidents—or two different Presidents at least.

And that is why I am going to oppose the amendment of Mr. Boehlert, because while I think it speaks to the economic times in the sense of any effort to reduce a level of funding is going to, as I say, attract a number of people, it does not speak to the realities of what we face in terms of either the importance of NSF or what we're going to face when it gets to the Appropriations subcommittee.

So I'm going to urge a no vote on his amendment.

And I recognize Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman, and I support the amendment offered by Mr. Boehlert. When Mr. Boucher a couple of moments ago referred to the University of Pennsylvania, I was immediately reminded of the gubernatorial candidate in my State one day who got up and was very wrapped up in his speech and he got up and said, "These are not figures of any expert; these are my figures."

[Laughter.]

And I sometimes think that we see some of the things that get generated out of some of these shops, but I think that those of us who are concerned about government spending—and we've had a lot of discussion here, and I've sometimes been at odds with the members on the other side of the aisle when it comes to budget, but today in Mr. Boehlert's offering we're not talking about Republican numbers here. These are numbers that were specifically chosen by the majority. The Fiscal Year 1995 number is straight out of the Democratic Budget Resolution. Those of you who argue that only the bottom line of the Democratic budget is important and that all the other numbers are only policy recommendations, I'd simply have to say if we're serious about cutting the deficit, how can we hold to the bottom line if we can't hold to the numbers in the middle?

And that's one of the problems that we run into in the Congress, is we pass these macro- economic projections and then all of the committees say "Yes, but it doesn't affect us. Those aren't our numbers that we have to comply with."

I was pleased to hear the gentleman read off all the numbers from the Republican Administrations of how much they wanted to increase the National Science Foundation. Yes, but they paid a penalty for that. They cut social welfare spending and then got the crap kicked out of them in the Congress for having reduced the so-

cial welfare programs in order to boost up the science spending, and when they got over to the Appropriations subcommittee the chairman referred to, they found over there that those folks wanted the money to go to social welfare spending and took it right out of the hide of science.

And, you know, there are tradeoffs in this business, and if we simply go along and say that we don't want to pay any attention to the numbers in the middle of these budgets, we are not willing, then, to deal with the real tradeoffs that are fundamental to actually dealing with the budget.

The Fiscal Year 1996 request is from—that is represented in Mr. Boehlert's amendment is a forecast of the NSF budget prepared by the Office of Management and Budget. This is not a Reagan number, not a Bush number, not a Republican budget number, not my number, but it's the Director of OMB's number under President Clinton.

And I feel it's important to note that at a time of budget cuts, both of these numbers allow for growth in the NSF budget. Growth is defined by this amendment by allowing for a 4.7 percent increase in Fiscal Year 1995 and almost a 3 percent increase in Fiscal Year 1996. We're not cutting about cutting anything here. We're talking about growing, albeit it at a much slower pace than what is represented in the committee's print.

I believe this amendment sends a clear signal to Congress, to the administration, to the American people that this committee supports the priority of basic research and science education in a frozen domestic budget. I do believe the NSF budget should grow. I do believe this is a funding priority. Finally, I do believe in establishing a responsible number, so that we're sure that what we do actually can be met.

I urge my colleagues to support this amendment.

The CHAIRMAN. Are there additional members seeking recognition?

Mr. WALKER. Could I yield for a moment to the gentleman from New York?

The CHAIRMAN. Certainly.

Mr. BOEHLERT. I would like to thank Mr. Walker for his eloquent statement and would like to repeat a couple of things. Well, first of all, I want to thank the chairman of the full committee and the chairman of the subcommittee for their retroactive endorsement of the Reagan-Bush budgets in science. I'm sure they'll both be appreciative.

[Laughter.]

Secondly, as the chairman of the subcommittee has indicated to me, he said, in effect, that I suppose Mr. Boehlert will argue this is only consistent with the Budget Resolution passed by the House. And at some risk, I will do that. It's nice to be consistent. That's something we find very often down here.

You're absolutely right, Mr. Boucher, that last year I did offer a resolution for a higher authorization level because, as I have acknowledged repeatedly, I am an unabashed supporter of the National Science Foundation. If it were up to me, I would write a blank check for the National Science Foundation if I thought we could do that in a responsible manner. However, we can't do that

and the budget this year is tighter than anticipated, and we have to deal with the everyday budget realities.

What we're arguing about is the rate of growth. We're not talking about cutting back in absolute terms. We're talking about reducing the rate of growth to be consistent with the Budget Resolution adopted by the House of Representatives—the Democrat Budget Resolution, I might add, enthusiastically supported by the chairman of our committee and by the chairman of the subcommittee. And I think we should move forward in a responsible manner, and I would urge the adoption of my amendment.

Mr. WALKER. I yield back the balance of my time.

The CHAIRMAN. In response to the gentleman's expression of gratitude to me for supporting the Reagan budget for science, let me express my gratitude to him for supporting the Clinton budget for science.

[Laughter.]

Now if there is no further debate, the Chair is prepared to put the question. All those in favor of the amendment by Mr. Boehlert will say aye.

Opposed, no.

The Chair an awful lot of noes. Would the Chair—

Mr. BOEHLERT. Division.

The CHAIRMAN. The gentleman requests a division. Those in support of the Boehlert amendment will raise their hands and leave it raised while the clerk counts them.

[Show of hands.]

Hands down. Those who oppose the Boehlert amendment will raise their hand.

[Show of hands.]

The clerk will report.

The CLERK. Mr. Chairman, I have 9 yeas and 11 nays.

The CHAIRMAN. There being 9 yeas and 11 nays, the—

Mr. BOEHLERT. Mr. Chairman?

The CHAIRMAN. —amendment is not agreed to.

Mr. Boehlert?

Mr. BOEHLERT. Mr. Chairman, let me ask for a rollcall vote on that one.

The CHAIRMAN. If the gentleman insists on that. He plans to use proxies to overturn the—

Mr. BOEHLERT. No, I would like us to be on record on this vital issue.

The CHAIRMAN. A request for a recorded vote has been requested. The clerk will read the roll.

The CLERK. Mr. Brown?

The CHAIRMAN. Mr. Brown votes no.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mrs. Lloyd?

[No response.]

The CLERK. Mr. Sensenbrenner?

[No response.]

The CLERK. Mr. Glickman?

[No response.]

The CLERK. Mr. Boehlert?

Mr. BOEHLERT. Aye.
The CLERK. Mr. Volkmer?
[No response.]
The CLERK. Mr. Lewis?
[No response.]
The CLERK. Mr. Hall?
Mr. HALL. No.
The CLERK. Mr. Fawell?
Mr. FAWELL. Aye.
The CLERK. Mr. McCurdy?
[No response.]
The CLERK. Mrs. Morella?
[No response.]
The CLERK. Mr. Valentine?
Mr. VALENTINE. No.
The CLERK. Mr. Rohrabacher?
Mr. ROHRABACHER. Aye.
The CLERK. Mr. Torricelli?
[No response.]
The CLERK. Mr. Schiff?
[No response.]
The CLERK. Mr. Boucher?
Mr. BOUCHER. No.
The CLERK. Mr. Barton?
[No response.]
The CLERK. Mr. Traficant?
[No response.]
The CLERK. Mr. Zimmer?
[No response.]
The CLERK. Mr. Hayes?
[No response.]
The CLERK. Mr. Sam Johnson?
[No response.]
The CLERK. Mr. Tanner?
[No response.]
The CLERK. Mr. Calvert?
[No response.]
The CLERK. Mr. Geren?
[No response.]
The CLERK. Mr. Hoke?
[No response.]
The CLERK. Mr. Bacchus?
[No response.]
The CLERK. Mr. Smith?
[No response.]
The CLERK. Mr. Roemer?
Mr. ROEMER. No.
The CLERK. Mr. Royce?
[No response.]
The CLERK. Mr. Cramer?
[No response.]
The CLERK. Mr. Grams?
[No response.]
The CLERK. Mr. Swett?

[No response.]
The CLERK. Mr. Linder?
[No response.]
The CLERK. Mr. Barcia?
Mr. BARCIA. No.
The CLERK. Mr. Blute?
Mr. BLUTE. Aye.
The CLERK. Mr. Klein?
Mr. KLEIN. No.
The CLERK. Ms. Dunn?
Ms. DUNN. Aye.
The CLERK. Mr. Fingerhut?
[No response.]
The CLERK. Mr. Baker?
Mr. BAKER. Aye.
The CLERK. Mr. McHale?
[No response.]
The CLERK. Mr. Bartlett?
[No response.]
The CLERK. Ms. Harman?
Ms. HARMAN. No.
The CLERK. Mr. Ehlers? Mr. Ehlers?
Mr. EHLERS. No.
The CLERK. Mr. Don Johnson?
Mr. JOHNSON OF GEORGIA. No.
The CLERK. Mr. Coppersmith?
[No response.]
The CLERK. Ms. Eshoo?
[No response.]
The CLERK. Mr. Inslee?
[No response.]
The CLERK. Ms. E.B. Johnson?
[No response.]
The CLERK. Mr. Minge?
Mr. MINGE. No.
The CLERK. I'm sorry, Mr. Minge?
Mr. MINGE. No.
The CLERK. Mr. Deal?
Mr. DEAL. No.
The CLERK. Mr. Scott?
[No response.]
The CLERK. Mr. Becerra?
[No response.]
The CLERK. Mr. Barca?
Mr. BARCA. Aye.
The CLERK. Mr. Rush?
[No response.]
Mr. BOEHLERT. May I ask how Mrs. Morella is recorded?
The CLERK. Sir, Mr. Morella—Mrs. Morella is not recorded.
Ms. MORELLA. Morella would vote aye.
The CHAIRMAN. How is Mr. McHale recorded?
The CLERK. Mr. McHale is not recorded.
Mr. MCHALE. I'd like to be recorded no.
The CHAIRMAN. Are there additional members who wish to vote?

[No response.]

If not, the clerk will report.

The CLERK. Mr. Chairman, I have 9 yeas and 14 nays.

The CHAIRMAN. There being 9 yeas and 14 nays, the motion is not agreed to.

The Chair calls up Amendment No. 2 by Mr. Klein.

[The information follows:]

AMENDMENT OFFERED BY MR. KLEIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 7, after line 4, insert the following new subsection:

(c) EDUCATION SUPPORT FOR UNDERREPRESENTED GROUPS.—In allocating funds authorized under subsections (b)(1)(B) and (c)(1)(B), the Foundation shall support education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities, and shall coordinate such activities with related efforts of other Federal agencies.

Mr. KLEIN. Thank you, Mr. Chairman.

This amendment would provide that in allocating funds authorized under the provisions for education and human resources, that the Foundation shall support education activities to encourage the participation of women, minorities, and others who are underrepresented in sciences, engineering, and mathematics and also persons with disabilities. And it further provides that the Foundation shall coordinate such activities with the related efforts of other Federal agencies.

The purpose of the amendment is to encourage participation of groups who are underrepresented in the sciences and engineering and mathematics, and it would appear that minorities and women and others do not participate in those areas as much as other groups.

There is no setaside that's involved here. The Foundation will also encourage participation with some of the activities. For example, the NSF presently has minority education programs. The Department of Energy has a pre-freshman enrichment program. The Department of Education has a trio program which is very active in encouraging the participation of minorities. And the whole purpose is to coordinate all of those activities. Again, I emphasize there is no setaside involved. It's simply a matter of encouragement of those—or the engagement of persons in those groups in such activities.

And I move the amendment.

Mr. BOUCHER. Would the gentleman yield?

Mr. KLEIN. Certainly.

Mr. BOUCHER. I would like to thank the gentleman for offering this amendment. I think it does address a very valid purpose, and I'm pleased to encourage the committee to accept it.

Mr. KLEIN. Thank you.

The CHAIRMAN. Mr. Walker?

Mr. WALKER. Mr. Chairman, I just wanted to get a couple of questions answered. Who are the minorities who are under-represented in science, engineering, and mathematics? Is this—is this somebody that we know about at the present time, I mean who they are?

Mr. KLEIN. Well, Mr. Walker, I think we all know who minorities are. There are minorities who are African-American minorities. There are Hispanic-American minorities. There are Native American minorities. There are women. And all of those groups, from everything that I have read, are underrepresented in math and science.

Mr. WALKER. So on your list you do not include Oriental-Americans. Are they not to be included in this?

Mr. KLEIN. Mr. Walker, to the extent that Asian-Americans may be underrepresented, it would certainly encourage their participation as well.

Mr. WALKER. So, in other words, if I understand the statement you just made, it requires a determination by the agency to find out who these groups are?

Mr. KLEIN. Well, I would assume that the agency would make such a determination.

Mr. WALKER. Okay, the agency would make a determination about who the minorities who are underrepresented in science, engineering, and mathematics. Would that be—would that be something that would be done annually?

Mr. KLEIN. I think it would be done on an ongoing basis, yes.

Ms. ESHOO. Every day.

Mr. WALKER. Okay. So it would be—it would be something that would be done annually, and so it would require a report from all the institutions about the numbers of minorities that they have engaged in programs; is that right?

Mr. KLEIN. I don't know that it necessarily requires a report, but I think that's something that could be worked out in the report language for this bill. However, I point out that, again—and I'm sure Mr. Walker is an avid reader of matters such as this, as I am, and the literature that I read on this subject very strongly indicates that what I have said is the fact.

Mr. WALKER. Oh, I didn't—

Mr. KLEIN. Whether it requires an annual report from each educational institution, as Mr. Walker has suggested, or whether it is something that could be determined by information available presently in the Department of Education or in other statistics, I would not be the one to make such a representation. But I have full confidence that the Foundation could make such a determination and is very competent to do so.

Mr. WALKER. Well, I'm just trying to find out. I mean, the gentleman was not certainly whether or not Asians would, in fact, be included in this because he wasn't sure they were underrepresented. I assume that, given this mandate, the Foundation will have to make those kinds of determinations, and they will have to get the information from somewhere. I assume that they will have to get it from the institutions that are engaged in receiving these monies. I mean, I don't know how else the particular agency—or how else the agency would get its information, do you?

Mr. KLEIN. Yes, I think there are a lot of other sources. I think there's standard information that is available on that subject. And I want to emphasize—

Mr. WALKER. Well, could you—could the gentleman tell me what the standard—

Mr. KLEIN. Excuse me. Excuse me. I think you—

Mr. WALKER. I have the time and—

Mr. KLEIN. Great. Okay.

Mr. WALKER. —and I'm just—I'm asking the gentleman what that standard source is. I'm not aware of any such standard source.

Mr. KLEIN. Well, the science and engineering indicators that are published on a regular basis annually.

Mr. WALKER. Well, what do they have to do with the Foundation? You know, that's a total look at the entire science, space, and technology area. You know, for example, in the last five years more than 50 percent of all science, math, and engineering post-graduates are non- native-born. I mean, there is already a major allocation going into these areas.

Now what I'm asking is, how the mechanism is going to work to implement the gentleman's amendment. I'm not opposing the gentleman's amendment. I'm not—I'm asking questions here because

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I want to have some idea of how we are going to implement this amendment.

Mr. KLEIN. Well, Mr. Walker, I gave you an answer. Whether you like it or not—

Mr. WALKER. Well—

Mr. KLEIN. —the fact is I said that there are engineering and science—

Mr. WALKER. You told me that you—

Mr. KLEIN. —publications that are published on an annual basis that provide that information.

Mr. WALKER. So we're going to depend essential on the news media?

Mr. KLEIN. Whether you accept it or not, I would—I think they are standard treatises that are generally acknowledged in the field.

Mr. WALKER. So we're going to depend—

Mr. KLEIN. I want to make sure it's—

Mr. WALKER. —upon the news media?

Mr. KLEIN. Pardon me?

Mr. WALKER. We're depending upon the news media?

Mr. KLEIN. I don't think that's the news media. When you talk about a standard educational publication that's recognized in the field, that's not the news media.

Mr. WALKER. Well, they are, in fact, they are, in fact, news media sources. They are not—they are not the experts who establish anything statistically here, and I don't think that we can rely upon them for National Science Foundation judgment. It seems to me that the Foundation is allocating the monies; I would want some better source than something that ends up being published somewhere by who knows who.

Mr. KLEIN. Well, Mr. Walker, we do have a better source because, as a matter of fact, NSF is required by virtue of a prior authorization, that I assume you voted for, to do a biennial report on women and minorities in science and engineering and math.

Mr. WALKER. Why didn't the gentleman tell me about that in the beginning?

Mr. KLEIN. Well—

Mr. WALKER. If that's where he's going to get—if that's where he's going to get his information, that seems to me that that's probably a fair and useful thing. And so—

Mr. KLEIN. Good.

Mr. WALKER. So the gentleman is going to utilized the biennual report of the National Science Foundation as the source for making this determination?

Mr. KLEIN. I'm not going to make the determination. The National—

Mr. WALKER. Okay.

Mr. KLEIN. —Science Foundation is going to—

Mr. WALKER. Let's come back to my original question. Under this—under this source, are Asians included? He has the information there before him. Will Asians be included as a part of this provision?

Mr. KLEIN. As I indicated when I responded to your earlier question, if Asians are minority that are under-represented, they will be included.

Mr. WALKER. Well, if we have a report—

Mr. KLEIN. I'm not going to make that determination. I hold no plead for any particular group.

Mr. WALKER. The gentleman has—

Mr. KLEIN. My point simply is that those minorities which are underrepresented should be encouraged to participate. If Asians fall into that, Asian-Americans—

Mr. WALKER. Okay.

Mr. KLEIN. —fall into that group, so be it.

Mr. WALKER. Okay. And the gentleman—the gentleman has obviously studied this and he has an amendment here, and he can tell me then what—in the most recent biennial report, would they have been included?

Mr. KLEIN. I cannot tell you that, sir.

Mr. WALKER. Oh, okay. And—

Ms. ESHOO. Would the gentleman yield?

Mr. WALKER. Does this include—does this include—

Mr. KLEIN. But I'll try to find out.

Mr. WALKER. Okay. Does this—does this include American citizens only?

Mr. KLEIN. Does this include American citizens—

Mr. WALKER. Are we talking about American citizens only here?

Mr. KLEIN. We're talking about minorities. Whether they are—

Mr. WALKER. So illegal immigrants would qualify?

Mr. KLEIN. I don't think illegal immigrants would qualify, no, sir.

Mr. WALKER. Well, you gave me two different answers.

Mr. KLEIN. Well, I think there's a whole group of people that you haven't mentioned.

Mr. WALKER. Okay. So legal—so you're talking about—so legal immigrants or citizens, but illegal immigrants would not be included?

Mr. KLEIN. That would be my opinion, yes, sir.

Mr. WALKER. I thank—I thank the gentleman.

Ms. ESHOO. Would the gentleman—

The CHAIRMAN. Are there further—let me recognize the gentlelady from California.

Ms. ESHOO. Thank you, Mr. Chairman.

Just briefly and quickly, I support the gentleman from New Jersey amendment. I think that it's a good one. For all of us, I think that what has become most instructive, at least for me as a freshman, is to look at the panels that come before us. That should be immediately instructive to every single member of this full committee, and there you will find over and over again what this amendment seeks to address.

And for the gentleman from Pennsylvania's information, there are some superb organizations, national organizations, professional organizations, such as the National Association of Women Scientists, that can provide readily for you, as they have for me, the number of women that do participate in the sciences, and I think that you would really enjoy working with them and make use of the figures that they have put together.

So thank you, Mr. Chairman, for recognizing me and I'm proud to support the amendment.

The CHAIRMAN. Mr. Barca?

Mr. BARCA. Mr. Chairman, I would also like to add my support to this amendment. I think that—I guess in response somewhat to Mr. Walker's concerns, I think it's drafted very well because it just simply states that minorities who are, in fact, underrepresented—and I don't think we want to dictate to the Department how they should implement this. I think we should allow them a certain amount of latitude, and, therefore, I think it's very well drafted. I think it's a very important goal to advance in our society at this point in time, and I strongly support it and hope we can adopt it.

Mr. BECERRA. Mr. Chairman?

The CHAIRMAN. Mr. Becerra?

Mr. BECERRA. Let me just also add my support to Mr. Klein's amendment and applaud him for his efforts. I think it's something long overdue that we try to make sure that all the constituencies in this country try to have a chance to participate, especially in our science programs, given that technology is such a dominant factor in today's economy. I would hope that we would find it not only something we want to do, but essential to do to try to encourage women and minorities to participate fully in the advancement of this particular activity, especially for our country and our economy.

The CHAIRMAN. Other persons seek recognition?

[No response.]

If not, the Chair will put the question. All those in favor of Mr. Klein's amendment will signify by saying aye.

Opposed, no.

The ayes have it. The amendment is agreed to.

Mr. Walker, Amendment No. 3.

[The information follows:]

AMENDMENT OFFERED BY MR. WALKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3254

Page 17, after line 9, insert the following new section:

SEC. 208. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983 (48 Fed. Reg. 15754, April 12, 1983) relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

Mr. WALKER. Mr. Chairman, as we know, Congress provides funds to NSF with the objective of advancing science, and NSF's charge is to award grants to universities and other eligible nonprofit organizations for the purpose of fundamental research and education. It is NSF's responsibility to assure that the monies awarded are used for the purposes agreed upon. NSF has stated that public funds used to support the advancement of science should not be used to support routine services already offered by taxing companies. I agree.

For many years the business community expressed concerns that inappropriate application of grant monies result in the use of equipment and facilities being offered in competition with the private sector. To address this problem, NSF published important Notice 91 in 1983. This policy addressed the presidents of universities and colleges and heads of other NSF grantee organizations, specifies, "It is contrary to NSF's intent for grantee's to use NSF-supported research instrumentation or facilities to provide services for a fee in direct competition with private companies that provide equivalent services."

While this policy has been helpful on a case-by-case basis, various weaknesses in its implementation should be pointed out. First, NSF does not educate grantees by including any reference to this policy in grant guidance documents.

Second, NSF does not obligate grantees to abide by this policy by including it in grant contracts. This became such a particular problem that NSF's Inspector General's report in 1991 the report stated that NSF should incorporate policy guidelines in NSF's grant general conditions and examine more closely grantee institutions' regulations on NSF's policy and their process for handling alleged violations. Now in 1994 we are receiving complaints about the misuse of NSF grant funding. This amendment simply implements the Inspector General's recommendation.

I want to thank Chairman Boucher for his cooperation on this, and I urge my colleagues to support the amendment.

Mr. BOUCHER. Would the gentleman yield?

Mr. WALKER. I'd be happy to yield to the gentleman.

Mr. BOUCHER. I thank the gentleman for presenting this amendment. It makes far more explicit the policies and regulations currently in effect and will ensure universal and uniform adherence to them. We're pleased to accept this and encourage its adoption by the committee.

The CHAIRMAN. Any further—any further debate on the amendment?

[No response.]

If not, the Chair will put the question. All those in favor will signify by saying aye.

Opposed, no.

The ayes have it, and the amendment is agreed to.

Now the Chair, in his eagerness to expedite the process this morning, is prepared to offer a package deal here.

[Laughter.]

If Mr. Boehlert will withdraw his Amendment No. 4, the Chair will support all of the remaining minority amendments—No. 7, 8,

9, and 10—and will move that they be adopted in bloc. Is that a deal?

Mr. BOEHLERT. That is not a deal, but it's a good try.

[Laughter.]

The CHAIRMAN. You mean you're objecting to that?

Mr. BOEHLERT. You'd better believe I am.

The CHAIRMAN. Mr. Boehlert's recognized to present his Amendment No. 4.

[The information follows:]

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 17, after line 9, insert the following new section:

SEC. 208. ELIGIBILITY FOR AWARDS.

The Director shall exclude from consideration for awards made by the Foundation after fiscal year 1995 any institutions or consortia which received funds, appropriated for a fiscal year after fiscal year 1994, from any Federal funding source for projects that were not subjected to a competitive, merit-based award process.

Mr. BOEHLERT. Mr. Chairman, it should not be necessary to offer this amendment. I strongly endorse your Herculean efforts that are made to combat academic earmarking. This amendment is designed to give you an even stronger weapon with which to wage that battle.

Indeed, a few weeks ago, at the AAAS meeting in San Francisco, the chairman endorsed this very approach. I think we should ignore his unseeming second thoughts and follow suit with his initial courageous—

[Laughter.]

The CHAIRMAN. Would the gentleman yield briefly?

Mr. BOEHLERT. I'd be glad to yield to the distinguished chairman.

The CHAIRMAN. I appreciate your categorization of this, it has given me a more powerful weapon. I'm already using bludgeon, and you want to give me a nuclear bomb.

[Laughter.]

Mr. BOEHLERT. Well, Mr. Chairman, let me reclaim my time and say here's what's at stake: the bill before us states that if you receive a facilities earmark, you can't compete in the NSF facilities program. How much of a penalty is that? All the bill really does is legitimize the current two-track system. You can play by the merit review rules or you can choose to circumvent them and try your luck with the Appropriations Committee. In short, all the bill does is clarify that you are making a choice.

Our amendment, instead, makes one of those choices, earmarking, a painful choice. We say that if you receive any academic earmark, that you are ineligible for any NSF grant. The Federal Government will be unwilling to subsidize your ill-gotten gains. That has some teeth.

With our amendment, if you go the appropriations route, you are on your own. You can't expect to be bailed out by the Federal Government.

Now I can understand why proponents of earmarking would oppose this amendment, and oppose it strenuously. It would really hit them where they work. But I can't for the life of me see why opponents of earmarking, including our chairman, would oppose this. Let's for the first time impose a real penalty on earmarking. Let's put in place a policy that prevents us from throwing good money after bad, perpetually financing earmarked projects.

I urge my colleagues to support this amendment.

The CHAIRMAN. I thank the gentleman.

Mr. Boucher, would you like to explain why I'm opposed to this amendment?

[Laughter.]

Mr. BOUCHER. Mr. Chairman, I'm not sure I can do that, but I can explain why I'm opposed to it, and I appreciate being recognized for that purpose.

I share the goal that the gentleman from New York has, and that is to attempt to direct universities that are seeking money for bricks and mortars for new research facilities to the merit-based and peer-reviewed processes employed by agencies that can provide that funding.

We make in the underlying bill itself, I think, the right approach to achieving that goal when we say that any grantee that receives

an earmark for a facility through the appropriations process that is not merit-based and peer- reviewed is disqualified from participating in the NSF- sponsored facilities program. So we provide a penalty and we say that if the university decides to go to the appropriators and get its funding that way, then it can't also go to the NSF and get funding for its facilities from the NSF. I think that is the right approach to resolving this problem, and I think the gentleman's amendment, taking the additional step and saying that that university is not only disqualified from participating in the NSF-sponsored facilities program, but is also disqualified from getting any NSF grant, whether it's for research or anything else, frankly, goes too far.

Now the reason I think the gentleman's amendment goes too far is this: we have in the Nation today a major unfunded need for facilities construction. It's been estimated in the testimony before our subcommittee, that need totals some $10 billion, if you add up all of the unfunded needs across university campuses nationwide.

If we had in place a merit-based and peer-reviewed program at every Federal science funding agency, that would provide the funds necessary for the Federal Government effectively to respond to that need, then I would be the first one to support the amendment that the gentleman from New York is offering at this time. But we don't have those programs in place, and even with the amounts of money authorized in this bill that would give the NSF a somewhat greater ability to fund bricks and mortar and research facilities on university campuses, we are still falling far short of meeting that national need through the merit-based funding programs at the Federal level.

Let me be specific, very specific, about that. In 1988, we authorized $890 million for the National Science Foundation to apply to research facilities construction over a period of five years. Now that was the judgment of this committee, reflected by the Congress as a whole, of the level that would be a sufficient response by the National Science Foundation to this underfunded $10 billion national need. But the Appropriations Committee on an annual basis has not anywhere near matched the authorization that we have provided. And, in fact, through 1993, only some $94 million of that $890 million had been appropriated.

So the universities, not having the merit-based and peer-reviewed funding sources to which they could turn for their very legitimate needs, have effectively had no choice except to go to the Appropriations Committee and ask that that money be appropriated to them through a line item, and that has happened.

I don't fault the universities for doing that. If the money doesn't exist in the various funding agencies, then they really have no choice except to take the appropriations route.

Now we are seeking to begin to try to correct that. Now we're authorizing $150 million for facilities in the measure that is this underlying bill, but that is not nearly enough to meet the needs. That is not enough to move forward, and the other Federal funding agencies are not doing even that much. And so universities, if the Boehlert amendment is adopted, are going to find themselves without the resources from a Federal source that are necessary to meet these needs for new facilities.

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I've heard some very compelling testimony over the last several years from universities that say that they have modern equipment, they have excellent personnel doing research, they're getting funding for basic research from the NSF or the NIH or other Federal agencies, and they have to take these excellent personnel and spend the Federal research dollars using state- of-the-art equipment and do all of that work in buildings that have leaky roofs, simply because their facilities are so outdated and so out of repair.

They have responded in the only way they could, given the absence of an adequate program in the various scientific funding agencies, and that was to go through the appropriations process. We are beginning to correct that problem, but we have not done so thoroughly in the underlying bill, and I'm afraid the gentleman's amendment would make far more difficult the process that universities now have to go through and the challenges that they face in terms of obtaining Federal funding for the construction of new research facilities.

We address it properly in the underlying bill. We say that if they get an appropriation, that they cannot come back to the NSF and ask for facilities money, but I think the gentleman goes too far in carrying that penalty the additional step and saying that they could not get any grant even for basic research.

I'm very much afraid that it would interfere with some of the excellent research that is going on at universities today. And for those reasons, I would very much hope that the committee would not adopt this amendment.

The CHAIRMAN. Let me thank Mr. Boucher for that much better exposition than I could have given, and I appreciate it.

Mr. Walker?

Mr. WALKER. Thank you, Mr. Chairman.

I just wanted to make a couple of comments with regard to what Mr. Boucher just said because I certainly do support the Boehlert amendment.

The problem that I see with the argument that you have just made is, first of all, if we don't start doing this somewhere, we'll never get there. I mean, you said what you want is a merit review process throughout the government. Yes, and one of the places that you've got to start is with the NSF, and then we've got to go to the Energy Department, we've got to go to some of these places, but you can't get there if somebody in the authorizing process doesn't begin to set this as policy. It is our job to make policy. The appropriators are never going to do this. And if we in the policy committees don't do it, we are simply giving the appropriators a green light to continue the practice.

Secondly, I would say to the gentleman, the idea that if, in fact, you can't get it from NSF, that you ought to have another alternative—that's exactly what drives the process at the present time, and they simply ignore the first step. They don't even bother to go to the peer review process because it's better to find somebody who's powerful enough politically to get them for them without having to go through all of that. And you will simply encourage that as a way of doing business more so in the future, because what you say here is, if NSF turns you down, if you go through the process and you're turned down, well, you've got a second hope; you

simply find some powerful member on the Appropriations Committee and you have them stick it in for you. It seems to me that that destroys the peer review process, undermines it, the very nature of its content. And so I think that that also is something that has to be considered.

What Mr. Boehlert is saying is play by the rules. He's not suggesting that you can't get money from NSF. What he's suggesting is, if you come in for facilities money, play by the rules. Everybody plays by the same rules. Everybody comes in and seeks their money through the standard authorized and appropriated process, and everybody lives under the same rules. The rules do not include wandering off and finding some powerful muckity-muck at the Appropriations Committee and getting them to put the money in regardless of merit. And I think merit- based rules are the right thing, and if the penalty is big enough, everybody will pay—will play by the rules. I don't think very many universities will wander off to the Rules Committee and thereby jeopardize their chance to get money from the National Science Foundation if you adopt the Boehlert amendment.

And that's—it seems to me maybe that is a nuclear bomb, but it appears to me these days, Mr. Chairman, that a nuclear bomb is about the only thing that the Appropriations Committee responds to.

Mr. BOUCHER. Would the gentleman yield?

Mr. WALKER. I'll be happy—I'll be happy to yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman and I'll be brief in this response. I just want to underscore my basic concern once again. I don't have any difference in view with the gentleman from New York and the gentleman from Pennsylvania about where we ultimately ought to go. Several years down the road when we have a more ample and adequate facilities program in the various agencies that perform merit-based assessments, I'll join with the gentleman in offering this amendment. That will be at a time when we judge those programs to be adequate.

Mr. WALKER. Well, let me—

Mr. BOUCHER. Well, if the gentleman would simply allow me to finish—but the problem is those programs are not adequate today, and even with the modest increase in authorization for facilities contained in this bill, bringing that level up to $150 million for NSF, we do not have, in my judgment, an adequate level of funding for that purpose at the NSF, and that does not begin to speak to the problem that exists at the other Federal research funding agencies. Others are not even as generous as NSF is today.

Mr. WALKER. But the gentleman knows we're never going to get to that point. The gentleman just specified the fact that the amount of increases being asked for by this Administration are substantially lower than what were there previously when they were trying to double the budget. We are never going to get to that point, and so, therefore, what you've done is, you have put an authorization in place that encourages the appropriators to continue to run around the process, and it will be forever and ever and ever. And the more that institutions understand that that's the way they're going to get the money, the more they're going to go

through that, then we might as well shut down shop here and not even suggest that there are any reasonable policies that could be put into place.

Mr. BOUCHER. Would the gentleman yield to me again?

Mr. BOEHLERT. Would the gentleman yield?

Mr. BOUCHER. Would the gentleman yield?

Mr. WALKER. Mr. Boehlert wanted me to yield, but I would yield briefly.

Mr. BOUCHER. All right, very briefly, one point only: we may well get to that point because it is my intention to recommend to OSTP and to the process that replaces the FCCSET process that the next major interagency initiative launched by the Administration be with respect to facilities funding and that the agencies put together in the budgets of the various research—their various research budgets an element of facilities funding that doesn't exist at all today at the other agencies and exists only at—

Mr. WALKER. I encourage the gentleman and I hope he's successful, but all I do know is that this is an OMB and this is an Administration that is cutting the devil out of science-based funding. And I don't see that we're going to get there, anywhere, in a timeframe that I could imagine.

I'll be to yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Boucher, you remind me of the Broadway play "Annie." It's always tomorrow.

I think today is here. We know the arguments very well, and I would strongly urge that we uphold the traditions of this committee under the great leadership of our chairman and insist on merit-based, peer-reviewed funding. And I move the amendment.

The CHAIRMAN. Well, the Chair doesn't want to belabor this point, but let me, on a positive note, indicate that I will be asking all members of the committee to join in supporting Mr. Boucher's efforts to increase this funding, and I'm going to make some even more radical proposals to the White House, that they, for all earmarked programs that are in report language which have no legal significance, that the President instruct the agencies not to honor them and to use the savings to create an additional fund for a peer-reviewed facilities program. In that one move, I think we could probably reverse the situation that we have here.

And did you wish to speak?

Mr. BARCA. I just had a question in regard to this amendment based upon what Mr. Boucher said, and I guess I'd ask Mr. Walker or Mr. Boehlert: if the University of Pennsylvania, for instance, or the University of Wisconsin or Stanford, or any institution, if they had gotten an award, let's say, for some project dealing with their chemistry department, for instance, that was appropriated and then their physics department came out under a peer review process in something completely unrelated to that research that they had been appropriated for, this would prohibit them, then, from being able to qualify; is that not correct?

Mr. WALKER. Only if they have new facility built.

Mr. BOEHLERT. See, what we're trying to get here, we're trying to get at pork politics, quite frankly. Let's be very blunt and go to the bottom line: pork politics. We want to deal with the merit-based projects. We wanted peer-reviewed projects. We don't want

projects that are going forward simply because a particular area might have the good fortune to have a friend on the Appropriations Committee.

Mr. WALKER. And, also—and this has nothing to do with past earmarks. It has nothing to do with anything that's happened in the past. This is future. This is—

Mr. BARCA. Well, starting in 1994, though, correct, with this year, is when you—

Mr. WALKER. For Fiscal Year 1994, which is the Fiscal Year that would begin in October.

Mr. BARCA. I mean, couldn't you begin it somewhere off in the future like 1996—

Mr. WALKER. Well, beginning in October, I should say.

Mr. BARCA. —or at a long time for—because it seems to me, based on what Mr. Boucher had said—and I can understand his concern; it seems like a legitimate concern—couldn't you shoot for, let's say, for 1996 or 1997 to allow a couple of years to accomplish this?

Mr. BOEHLERT. There's no time like the present. I mean, I just think that—

Mr. WALKER. It's after Fiscal Year 1994. So it does not start this year. It starts after this year, which is after Fiscal Year 1995, in the institutions. So, I mean, there really is a lead-in time already built into it.

Mr. BOEHLERT. Mr. Chairman, I move the amendment.

The CHAIRMAN. The gentlelady from California desires to be recognized and I would like to recognize her.

Ms. ESHOO. Thank you, Mr. Chairman.

I can't help but think of the comedian that says over and over again: I don't get no respect. And I think that that's what this committee as an authorizing committee is talking about in this, that we shape policy here, that we authorize, and that it is subverted along the way by the appropriators. So I share the basis or the foundation from which this amendment is being fielded.

And, yet, I have some hesitancy because I think that as a policy committee that we should do everything that we can to help shape good policy. I don't know, as someone who has been on this committee for a handful of months—I can't wait to be a sophomore instead of a freshman, and have to speak from that vantage point or disadvantage point, but I think that it would be helpful to many of us if we had hearings on this, so that we know what the impacts are of those that are already doing what you, our elders, are saying they are doing. And—

Mr. BOEHLERT. Will my colleague yield?

Ms. ESHOO. No. And I say this not tongue-in-cheek. I mean, I have regard for the gentleman; you know that I do, and so, you know, I think that the provision should be considered in hearings by the full committee, that we could determine the number and the quality of proposals that would be affected, and what those outcomes are. I don't know what they are, but, again, the basis from which you speak, I share a concern, but I don't know the innards of it and I think as good policymakers we should know.

So I just offer that, and if this is not—

Mr. BOEHLERT. Would you yield just briefly to me, please?

Ms. ESHOO. Certainly. Certainly.

Mr. BOEHLERT. We have had the advantage over the years of a number of hearings on this matter, and I would quote the eloquence of our distinguished chairman as recently as his speech before the AAAS in San Francisco, your home State, to justify—

Ms. ESHOO. San Francisco is a city and a county, sir. It hasn't become a state yet.

[Laughter.]

Mr. BOEHLERT. No, I say in your home State.

Ms. ESHOO. No, I know.

Mr. BOEHLERT. Yes. I move the amendment.

The CHAIRMAN. The Chair would like to put the amendment. All those in favor of the amendment by Mr. Boehlert will signify by saying aye.

Opposed, no.

Did I hear any other noes?

[Laughter.]

Mr. BOEHLERT. Division.

The CHAIRMAN. A division is requested. Those in favor of Mr. Boehlert's amendment will raise their hand.

[Show of hands.]

Those—put your hands down. Those opposed to the amendment will raise their hand.

[Show of hands.]

The clerk will report.

The CLERK. Mr. Chairman, I have 10 ayes and 10 nays.

The CHAIRMAN. There being 10 ayes and 10 nays, the amendment is defeated.

Despite the fact that Mr. Boehlert was recalcitrant in accepting my offer, I'm going to move at this point that the remaining—Mr. Traficant is not here to offer his amendment. I'm going to move that Amendments 7, 8, 9, and 10 be considered en bloc, and the clerk will distribute Amendment No. 8, which I understand has not been distributed yet.

[The information follows:]

AMENDMENT OFFERED BY MR. MINGE AND MR. JOHNSON OF GEORGIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3254

Page 17, after line 9, insert the following new section:

SEC. 208. ENVIRONMENTALLY ADVANCED EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) Improving the general understanding of the relationships between economic and technical activities and the environment, and the opportunities for improvements in such relations, is essential for the effective realization of sustainable economic development.

(2) In post-secondary education, with the exception of environmental specialists, environmental considerations are typically not integrated into the required coursework for technical, engineering, science, and related professions.

(3) The integration of environmental considerations into all technical, engineering, science, and related professions in a timely fashion is essential to better achieving sustainable economic development.

(b) IN GENERAL.—The Director shall establish a program to promote the development and distribution of curriculum and materials—

(1) at the primary and secondary levels that will improve the understanding of the relationships between economic and technical activities and the environment and the opportunities for improving those relationships; and

(2) at the post-secondary level that will incorporate the principles and practices of environmental soundness and total cost accounting into all technical, engineering, design, scientific, and related disciplines.

(c) TECHNICAL PROGRAMS.—(1) The Director shall ensure that the special needs of technical programs of institutions described in paragraph (2) are addressed in executing this section, including disseminating information about practices that exemplify environmentally sound practices.

(2)(A) Except as provided in subparagraph (B), institutions referred to in paragraph (1) are institutions of higher education (as determined under section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) that offer a 2-year associate-degree program, 2-year cer-

tificate program, or other shorter program described in such section 1201(a).

(B) Notwithstanding section 1201(a)(4) of the Higher Education Act of 1965, institutions referred to in paragraph (1) may include proprietary institutions.

(d) COORDINATION.—The Director shall consult with the heads of other agencies of the Federal Government, State and local governments, educational institutions, and appropriate private sector organizations, including accreditation boards for engineering, technology, and design educational institutions in executing this section.

F TB SC APPLIM

AMENDMENT OFFERED BY Mr. Grams

TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3254

Page 17, after line 9, insert the following new section:

SEC. 208. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this Act, or the amendments made by this Act.

AMENDMENT OFFERED BY MR. WALKER

[Title II - New Sec. 208 - One-year freeze on indirect cost payments.]

Amendment to be distributed at the markup.

Amendment offered by

MR. FAWELL

to the

Amendment in the Nature of a Substitute to H.R. 3254

Page 17, after line 9, insert the following new section.

SEC. 208. AWARD OF GRANTS AND CONTRACTS: REQUIREMENT OF COMPETITION.

(a) The Director may not make a grant or award a contract to any institutions or consortia for the performance of research and development, or for the construction of any research or other facility, unless such grant or award is made using a competitive, merit-based evaluation process.

(b)(1) A provision of law may not be construed as modifying or superseding the provisions of subsection (a), or as requiring funds to be made available by the Director to a particular institution or consortium by grant or contract, unless that provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes the provisions of this section; and

(C) specifically identifies the particular institution or consortium involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law is being made or awarded in contravention to subsection (a).

(2) A grant may not be made, or a contract awarded, pursuant to a provision of law that authorizes or requires the making of the grant, or the awarding of the contract, in a manner that is inconsistent with subsection (a) until—

(A) The Director submits to Congress a notice in writing of the intent to make the grant or award the contract; and

(B) a period of 180 days has elapsed after the date on which the notice is received by Congress

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

At the end of the bill, insert the following new title:

TITLE V—UNDERGRADUATE EDUCATION

SEC. 501. REQUIREMENT FOR FUNDING.

Each educational institution that receives a research grant from the Foundation in fiscal year 1995 shall, as a condition of receiving such grant, provide to the Foundation the following information on its undergraduate mathematics, science, and engineering activities:

(1) A description of teacher training programs mandated by the institution for teaching assistants, including the number of training hours required.

(2) The institution's policy regarding the relative importance of teaching and research duties in decisions on promotion, tenure, and salary for faculty, including any written policy with specific criteria.

(3) Any policy allowing faculty to replace university salary with funds from outside sources, along with any policy allowing faculty to replace all or part of the teaching load with increased research.

(4) The number of faculty released from some or all of their teaching responsibilities pursuant to a policy described in paragraph (3), with the number replacing all or some of their salary with Federal funds reported separately.

(5) The number and percentage of faculty, not including those on regular sabbatical leave, teaching no undergraduate courses.

(6) The number and percentage of faculty supported by active Federal research grants teaching freshman or sophomore lecture courses.

(7) The number and percentage of lecture sources taught by individuals other than faculty.

(8) The number of students per course in each introductory course.

Information shall be provided for the most recent academic year for which it is available. For purposes of this section, the term "educational institution" means an institution of higher education that is ranked among the top 100 of the institutions receiving Federal research and development funding, as documented in the latest annual report of the Foundation entitled "Federal Support to Universities, Colleges, and Selected Non-Profit Institutions". The term "faculty" means tenured or tenure-track employees not serving in full-time administrative positions.

The Foundation shall compile this information and submit it to the Congress no later than December 31, 1995.

SEC. 502. RECOMMENDATIONS.

The Director shall transmit to the Congress, at the time of the President's budget request for fiscal year 1997, recommendations as to how Foundation research funds could be used to increase the focus on undergraduate education at institutions of higher education.

The CHAIRMAN. I'm being requested to have a revote on that last vote, and the Chair is prepared to do that. I'm going to ask again that members supporting Mr. Boehlert's amendment will raise their hand.

[Show of hands.]

And do you have them all?

And put your hands down. Those who oppose the amendment will raise their hand.

[Show of hands.]

The clerk will report.

Mr. BOUCHER. Mr. Chairman, I ask for a recorded vote.

The CHAIRMAN. Mr. Boucher requests a recorded vote. The clerk will call the roll.

The CLERK. Mr. Brown?

The CHAIRMAN. Brown votes no.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mrs. Lloyd?

[No response.]

The CLERK. Mr. Sensenbrenner?

[No response.]

The CLERK. Mr. Glickman?

[No response.]

The CLERK. Mr. Boehlert?

Mr. BOEHLERT. Aye.

The CLERK. Mr. Volkmer?

[No response.]

The CLERK. Mr. Lewis?

[No response.]

The CLERK. Mr. Hall?

[No response.]

The CLERK. Mr. Fawell?

[No response.]

The CLERK. Mr. McCurdy?

[No response.]

The CLERK. Mrs. Morella?

Ms. MORELLA. Aye.

The CLERK. Mr. Valentine?

[No response.]

The CLERK. Mr. Rohrabacher?

Mr. ROHRABACHER. Aye.

The CLERK. Mr. Torricelli?

[No response.]

The CLERK. Mr. Schiff?

[No response.]

The CLERK. Mr. Boucher?

Mr. BOUCHER. No.

The CLERK. Mr. Barton?

[No response.]

The CLERK. Mr. Traficant?

[No response.]

The CLERK. Mr. Zimmer?

[No response.]

The CLERK. Mr. Hayes?

[No response.]
The CLERK. Mr. Sam Johnson?
[No response.]
The CLERK. Mr. Tanner?
[No response.]
The CLERK. Mr. Calvert?
[No response.]
The CLERK. Mr. Geren?
Mr. GEREN. No.
The CLERK. Mr. Hoke?
[No response.]
The CLERK. Mr. Bacchus?
[No response.]
The CLERK. Mr. Smith?
[No response.]
The CLERK. Mr. Roemer?
Mr. ROEMER. No.
The CLERK. Mr. Royce?
Mr. ROYCE. Aye.
The CLERK. Mr. Cramer?
[No response.]
The CLERK. Mr. Grams?
Mr. GRAMS. Aye.
The CLERK. Mr. Swett?
[No response.]
The CLERK. Mr. Linder?
[No response.]
The CLERK. Mr. Barcia?
Mr. BARCIA. No.
The CLERK. Mr. Blute?
[No response.]
The CLERK. Mr. Klein?
[No response.]
The CLERK. Ms. Dunn?
Ms. DUNN. Aye.
The CLERK. Mr. Fingerhut?
[No response.]
The CLERK. Mr. Baker?
Mr. BAKER. Aye.
The CLERK. Mr. McHale?
[No response.]
The CLERK. Mr. Bartlett?
[No response.]
The CLERK. Ms. Harman?
[No response.]
The CLERK. Mr. Ehlers? Mr. Ehlers?
Mr. EHLERS. Aye.
The CLERK. Mr. Don Johnson?
Mr. JOHNSON OF GEORGIA. No.
The CLERK. Mr. Coppersmith?
[No response.]
The CLERK. Ms. Eshoo?
Ms. ESHOO. No.
The CLERK. Mr. Inslee?

[No response.]
The CLERK. Ms. E B. Johnson?
[No response.]
The CLERK. Mr. Minge?
Mr. MINGE. Aye.
The CLERK. Mr. Deal?
Mr. DEAL. No.
The CLERK. Mr. Scott?
[No response.]
The CLERK. Mr. Becerra?
Mr. BECERRA. No.
The CLERK. Mr. Barca?
Mr. BARCA. No.
The CHAIRMAN. How is Mr. McHale recorded?
The CLERK. Mr. McHale is not recorded.
Mr. MCHALE. I would like to be recorded no.
The CHAIRMAN. The clerk will call the roll of the members who failed to vote on the first rollcall.
The CLERK. Mrs. Lloyd?
The CHAIRMAN. Mrs. Lloyd votes no by proxy.
The CLERK. Mr. Sensenbrenner?
[No response.]
The CLERK. Mr. Glickman?
The CHAIRMAN. Mr. Glickman votes no by proxy.
The CLERK. Mr. Volkmer?
The CHAIRMAN. Mr. Volkmer votes no by proxy.
The CLERK. Mr. Lewis?
[No response.]
The CLERK. Mr. Hall?
The CHAIRMAN. Mr. Hall votes no by proxy.
May the Chair say that he's deeply humiliated at that.
[Laughter.]
The CLERK. Mr. McCurdy?
Mr. WALKER. This is an expression of what we think they understand about the issue, having been here for the debate.
[Laughter.]
The CHAIRMAN. The Chair—Mr. McCurdy votes no by proxy.
The CLERK. Mr. Valentine?
The CHAIRMAN. Mr. Valentine votes no by proxy.
The CLERK. Mr. Torricelli?
The CHAIRMAN. Mr. Torricelli votes no by proxy.
The CLERK. Mr. Schiff?
[No response.]
The CLERK. Mr. Barton?
The CHAIRMAN. Mr.—
The CLERK. Mr. Traficant?
The CHAIRMAN. Mr. Traficant votes no by proxy.
The CLERK. Mr. Zimmer?
[No response.]
The CLERK. Mr. Hayes?
The CHAIRMAN. Mr. Hayes votes no by proxy.
The CLERK. Mr. Sam Johnson?
[No response.]
The CLERK. Mr. Tanner?

The CHAIRMAN. Mr. Tanner votes no by proxy.
The CLERK. Mr. Calvert?
[No response.]
The CLERK. Mr. Hoke?
[No response.]
The CLERK. Mr. Bacchus?
The CHAIRMAN. Mr. Bacchus votes no by proxy.
The CLERK. Mr. Smith?
[No response.]
The CLERK. Mr. Cramer?
The CHAIRMAN. Mr. Cramer votes no by proxy.
The CLERK. Mr. Swett?
The CHAIRMAN. Mr. Swett votes no by proxy.
The CLERK. Mr. Linder?
[No response.]
The CLERK. Mr. Blute?
[No response.]
The CLERK. Mr. Klein?
The CHAIRMAN. Klein votes no by proxy.
The CLERK. Mr. Fingerhut?
The CHAIRMAN. Fingerhut votes no by proxy.
The CLERK. Mr. Bartlett?
[No response.]
The CLERK. Ms. Harman?
The CHAIRMAN. Ms. Harman votes no by proxy.
The CLERK. Mr. Coppersmith?
The CHAIRMAN. Mr. Coppersmith votes no by proxy.
The CLERK. Mr. Inslee?
The CHAIRMAN. Mr. Inslee votes no by proxy.
The CLERK. Ms. E.B. Johnson?
The CHAIRMAN. Ms. E.B. Johnson votes no by proxy.
The CLERK. Mr. Scott?
The CHAIRMAN. Mr. Scott votes no by proxy.
The CLERK. Mr. Rush?
The CHAIRMAN. Mr. Rush votes no by proxy.
The clerk will report.
The CLERK. Mr. Chairman, there are 11 yeas and 32 nays.
The CHAIRMAN. There being 11 yeas and 32—
Mr. WALKER. Mr. Speaker—Mr. Chairman?
The CHAIRMAN. Yes?
Mr. WALKER. I object to the vote on the grounds that no quorum is present.
The CHAIRMAN. The Chair will count for a quorum. The gentleman is perfectly proper in seeking a quorum.
What does the last rollcall indicate were the number of members actually present?
Mr. GLICKMAN. Mr. Chairman, may I ask unanimous consent to be recorded as no in person rather than no by proxy?
The CHAIRMAN. Of course. Without objection.
All right, how many are present? The Chair will count for a quorum, and the Chair is advised that under the rules of the committee a quorum of one- third is sufficient for acting on an amendment, but not on reporting out the bill.
Mr. WALKER. I withdraw my objection.

The CHAIRMAN. The gentleman withdraws his point of no quorum. Is there any objection to the gentleman's request? If not—

Mr. WALKER. Yes, Mr. Chairman, as long as we don't have any objection, if some Republicans—we had put out a call to our people. We asked some people to come in. I would ask that they be allowed to be recorded.

The CHAIRMAN. The same request will be agreed to as far as the Chair is concerned.

See if you can figure out some reasonable report on what the vote actually was.

[Laughter.]

The Chair will renew his request that Amendments 7, 8, 9, and 10 be considered en bloc, and—5, 7, 8, 9, and 10; that's correct. Has 8 been distributed yet? It's being distributed.

Mr. WALKER. It's basically a one- year freeze on indirect costs.

The CHAIRMAN. Right.

The Chair has reviewed all these amendments and finds them, while not everything he would like, that they're not sufficient objectionable to make a point of. That's what we call damnation with faint praise.

Mr. WALKER. That's fine.

The CHAIRMAN. If there are no objections, then Amendments 5, 7, 8, 9, and 10 will be adopted en bloc.

Are there further amendments to the bill?

Ms. ESHOO. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes. The gentlelady is recognized.

Ms. ESHOO. When you propose an en bloc with 7, 8, 9, and 10 and I have an objection to one, how would my—how can I get my vote recorded on that item? Do I just have to vote against the en bloc?

The CHAIRMAN. The gentlelady—the Chair asked if there were any objections. If the gentlelady has an objection, those objections will be recorded.

Ms. ESHOO. Well, I do object to the amendment that was handed out on the indirect cost reimbursement. It was just handed out. I just read it, and, most frankly, how it impacts a major university in my district, I don't know. We have not had time to analyze it since I just received the language. So I can't support it in the blind. So because I don't know what it is, again, I'm not going to support it and I wanted that recorded.

Thank you.

The CHAIRMAN. The gentlelady's objection will be recorded to Amendment No. 8.

Now are there additional amendments?

[No response.]

If not, the Chair would recognize Mr. Walker for an amendment—or for a motion.

Mr. WALKER. Do I understand that the en bloc amendment, including 5, 7, 8, 9, and 10, was adopted?

The CHAIRMAN. Adopted with the expressed objection of Ms. Eshoo to Amendment No. 8.

Mr. WALKER. I have—I have some committee view that I would like to—

The CHAIRMAN. The—

Mr. WALKER. Is it being distributed?

The CHAIRMAN. Would the clerk please distribute the proposed additional committee views which Mr. Walker has offered?

[The information follows:]

proposed walker report language

CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK (CIESIN)

Background

The Consortium for International Earth Science Information Network (CIESIN), which conducts social science research on global change, has been supported through a series of appropriations earmarks and has never undergone a competitive, merit-based review. From fiscal year 1990, when CIESIN first received federal funds, through this fiscal year, CIESIN will have received $120.1 million in earmarked fedeeral funds through the Environmental Protection Agency, the Department of Agriculture, the Department of Defense, the Office of Science and Technology Policy and, primarily, the National Aerounautics and Space Administration (NASA). The VA-HUD-Independent Agencies conference report for Fiscal Year 1994 earmarked $5 million in NASA funds for the Consortium and established it as a Distributed Active Archive Center (DAAC).

The conference report went on to recommend that the National Science Foundation, in Fiscal 1995, establish a Center for the Human Dimensions of Climate Change, and suggested that CIESIN compete in that program to try to receive $6 million a year from the federal government. NSF's fiscal year 1995 budget request states that the Foundation plans to accept applications for such a center but does not indicate the amount of funding that would be available.

Committee View

The Committee believes that all science projects should undergo a competitive, merit-based review. Therefore, the Committee believes that CIESIN should not receive NASA or any other earmarked funding beyond fiscal year 1994, and that CIESIN should compete against all other relevant proposals for NSF funding.

Mr. WALKER. Mr. Chairman, we've just been having a discussion here, and the members have the material before them.

I am simply trying to get us to comply with regard to the CIESIN project with what has already been stated in a number of other places. This committee's report to the NASA authorization bill said that the committee is concerned that CIESIN may not have used previous funding effectively and remains on focus with too many projects. Last year the Senate HUD, VA-HUD Appropriations Committee initially tried to rescind part of CIESIN's fundings that were in order because of the overall lack of focus of the program.

Now all I'm saying here is that a number of people have said that this ought to be competed money, and that's what I want to do, is make certain that all future fundings is competed. I understand we may be able to work something out here at the staff level. I would be perfectly willing to withdraw it at the moment and work something out at the staff level and see whether or not we can come up with language that fulfills my intent and yet doesn't cause problems for the committee.

The CHAIRMAN. I appreciate that, and if the gentleman will withdraw, I promise him my cooperation in working out some suitable language on that point, and I'm sure Mr. Barcia will help us to that.

Mr. WALKER. Thank you.

The CHAIRMAN. All right.

Mr. WALKER. Mr. Chairman, I move that the committee report the bill H.R. 3254 and instruct the staff—as amended—and to instruct the staff to prepare a legislative report, to make technical and conforming amendments, and that the chairman take all necessary steps to bring the bill before the House for consideration.

The CHAIRMAN. You've heard the motion. Is there any further discussion?

[No response.]

If not, the Chair puts the question. All those in favor of the motion by Mr. Walker signify by saying aye.

Opposed, no.

The ayes have it, and the bill is reported and will be brought to the floor in accordance with the instruction.

The Chair thanks the committee members for their patients in remaining here a little longer than I thought we'd need to, and the committee will be adjourned.

[Whereupon, at 12:45 p.m., the committee recessed subject to the call of the Chair.]

[After the hearing, Mr. Zimmer and Mr. Bartlett voted aye in person on the Boehlert amendment to H.R. 3254.]

79-967 (88)

ISBN 0-16-044460-8